

**SUPREME COURT MINUTES  
FRIDAY, DECEMBER 3, 2004  
SAN FRANCISCO, CALIFORNIA**

**S114184**

G028417 Fourth Appellate District,  
G028422 Division Three

**PEOPLE v. WILLIAMS**

Supplemental briefing ordered

The court requests the parties to file supplemental letter briefs directed to the following issues:

1. The proper application in this case, if any, of Penal Code section 1466, which governs appeals in misdemeanor prosecutions.
2. Whether the magistrate's order under Penal Code section 17, subdivision (b)(5) determining that the offenses are misdemeanors is reviewable by a petition for extraordinary writ.

The parties are directed to file simultaneous supplemental letter briefs on these issues in the San Francisco office of the Supreme Court on or before Thursday, December 23, 2004. Simultaneous reply briefs may be filed in the San Francisco office of the Supreme Court on or before Thursday, January 13, 2005.

**S129489**

B179077 Second Appellate District,  
Division Eight

**AFP PROPERTIES USA, INC. v. S.C. (GRYPHON DOMESTIC VI, LLC.)**

Petition for review and application for stay denied

**S033360****PEOPLE v. WALLACE (KEONE)**

Extension of time granted

to December 20, 2004 to file respondent's brief. Extension is granted based upon Deputy Attorney General Alison Elle Alemán's representation that she anticipates filing that brief by 12/20/2004. After that date, no further extension will be granted.

**S050082****PEOPLE v. GEIER (CHRISTOPHER A.)**

Extension of time granted

to February 4, 2005 to file respondent's brief.

**S055856**PEOPLE v. ROMERO & SELF  
Extension of time granted

to February 7, 2005 to file appellant ROMERO'S opening brief. After that date, only five further extensions totaling about 300 additional days will be granted. Extension is granted based upon Deputy State based upon Deputy State Public Defender Michael P. Goldstein's representation that he anticipates filing that brief by 12/2005.

**S065233**PEOPLE v. SMITH (FLOYD)  
Extension of time granted

to February 4, 2005 to file appellant's opening brief. After that date, only four further extensions totaling about 210 additional days will be granted. Extension is granted based upon Deputy State Public Defender Jamilla Moore's representation that she anticipates filing that brief by early 9/2005.

**S123149**CLEVELAND ON H.C.  
Extension of time granted

to January 21, 2005 to file the reply to the informal response to the petition for writ of habeas corpus. Extension is granted based upon Assistant State Public Defender Donald J. Ayoob's representation that document by 1/21/2005. After that date, no further extension will be granted.

**S123474**A097749 First Appellate District,  
Division FivePEOPLE v. MCGEE  
Extension of time granted

to and including January 5, 2005 to file reply brief on the merits.

**S125912**

C042077 Third Appellate District

B. (ELISA) v. S.C. (EMILY B.)

Extension of time granted

to December 17, 2004 for real party in interest  
{El Dorado County} to file opening brief on the  
merits.

**S126773**

B159750 Second Appellate District,  
Division Two

PEOPLE v. SALAS

Extension of time granted

to January 28, 2005 for appellant Patrick to file  
the answer brief on the merits.

**S126781**

MOON (RICHARD) ON H.C.

Extension of time granted

to January 3, 2005 to file the informal response  
to the petition for writ of habeas corpus. After  
that date, only two further extensions totaling  
about 90 additional days will be granted.  
Extension is granted based upon Deputy  
Attorney General Jason C. Tran's representation  
that he anticipates filing that document by  
3/1/2005.

**S127086**

B165665 Second Appellate District,  
Division Two

GENERAL MOTORS v. FRANCHISE TAX BOARD

Extension of time granted

to and including February 11, 2005 for  
respondent to file the answer brief on the merits.  
No further extensions will be granted.

**S128018**

NICHOLSON ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DOUGLAS LEE  
NICHOLSON, State Bar No. 129508**, be  
suspended from the practice of law for three  
years and until he complies with the  
requirements of standards 1.4(c)(ii), as set forth  
more fully below, that execution of the  
suspension be stayed, and that he be placed on  
probation for five years on condition that he be  
actually suspended for two years and until he

has shown proof satisfactory to the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. **Douglas Lee Nicholson** is further ordered to comply with the other conditions of probation, including restitution, recommended by the Hearing Department of the State Bar Court in its Order Approving Stipulation filed on August 3, 2004. It is also ordered that **Douglas Lee Nicholson** take and pass the Multistate Professional Responsibility Examination during the period of his actual suspension. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) **Douglas Lee Nicholson** is further ordered to comply with rule 955 of the California Rules of Court, and perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar and one-third of said costs must be added to and become part of the membership fees for the years 2006, 2007 and 2008. (Bus. & Prof. Code section 6086.10.)

\*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128023

## VALLEY ON DISCIPLINE

Recommended discipline imposed

It is ordered that **DAVID RUSSELL VALLEY, State Bar No. 178013**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be actually suspended from the practice of law for six months and until the State Bar Court grants a motion to terminate his actual suspension pursuant to rule 205 of the Rules of Procedure of the State Bar of California as recommended by the Hearing Department of the State Bar Court in its decision filed on June 15, 2004, as modified by its order filed August 12, 2004. Respondent is also ordered to comply with the conditions of probation, if any, hereinafter imposed by the State Bar Court as a

condition for terminating his actual suspension. If respondent is actually suspended for two years or more, he must remain actually suspended until he provides proof to the satisfaction of the State Bar Court of his rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. It is further ordered that respondent take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order or during the period of his actual suspension, whichever is longer. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) It is further ordered that respondent comply with rule 955 of the California Rules of Court, and that he perform the acts specified in subdivisions (a) and (c) of that rule within 30 and 40 days, respectively, after the effective date of this order.\* Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7. \*(See Bus. & Prof. Code, § 6126, subd. (c).)

S128024

WILKES ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **LEO BENSON WILKES, State Bar No. 114253**, be suspended from the practice of law for two years, that execution of the suspension be stayed, and that he be placed on probation for three years on condition that he be actually suspended for two years and until he has shown proof satisfactory to the State Bar Court of respondent's rehabilitation, fitness to practice and learning and ability in the general law pursuant to standard 1.4(c)(ii) of the Standards for Attorney Sanctions for Professional Misconduct. Respondent is further ordered to comply with the other conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 19, 2004. Costs are awarded to the State Bar pursuant to

Business & Professions Code section 6086.10 and payable in equal installments for membership years 2005, 2006 and 2007.

**S128025**

WALTERS ON DISCIPLINE  
Recommended discipline imposed

It is ordered that **GARY M. WALTERS, State Bar No. 134769**, be suspended from the practice of law for one year, that execution of the suspension be stayed, and that he be placed on probation for two years subject to the conditions of probation recommended by the Hearing Department of the State Bar Court in its order approving stipulation filed on August 17, 2004. It is further ordered that he take and pass the Multistate Professional Responsibility Examination within one year after the effective date of this order. (See *Segretti v. State Bar* (1976) 15 Cal.3d 878, 891, fn. 8.) Costs are awarded to the State Bar in accordance with Business & Professions Code section 6086.10 and payable in accordance with Business & Professions Code section 6140.7.

**S090057**

SUSPENSION OF ATTORNEYS PURSUANT TO  
RULE 962, CALIFORNIA RULES OF COURT  
Order filed

**CRAIG PHILIP SUTTON SEIDEN, #100214**, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **CRAIG PHILIP SUTTON SEIDEN**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **January 4, 2005**.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a

release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

**S126357**

**SUSPENSION OF ATTORNEYS PURSUANT TO  
RULE 962, CALIFORNIA RULES OF COURT  
Order filed**

**KEVIN P. KELLEY, #140462**, was listed by the State Department of Child Support Services as being in arrears in payment of support obligations. He later obtained the necessary release from the appropriate local Child Support agency. He has subsequently been identified by the Department of Child Support Services as again being delinquent. Pursuant to Rule 962(a) of the California Rules of Court, IT IS HEREBY ORDERED that **KEVIN P. KELLEY**, be suspended from membership in the State Bar of California and from the rights and privileges of an attorney to act from and after **January 4, 2005**.

IT IS FURTHER ORDERED that upon receipt by the State Bar of California of a release issued by the appropriate local Child Support agency pursuant to Family Code 17520, the State Bar shall certify the fact of the receipt of such release to the Clerk of the Supreme Court and the suspension shall be terminated by order of this Court and he shall be fully restored to membership in the State Bar of California, and to all rights and privileges, duties and responsibilities incident thereto;

IT IS FURTHER ORDERED that until

restored as above provided, he shall be precluded from practicing as an attorney at law, or an attorney or agent of another in and before all the courts, commissions and tribunals of this state, and from holding himself out to the public as an attorney or counsel at law.

**Bar Misc. 4186**

IN THE MATTER OF THE APPLICATION OF THE  
COMMITTEE OF BAR EXAMINERS OF THE  
STATE BAR OF CALIFORNIA FOR ADMISSION  
OF ATTORNEYS

The written motion of the Committee of Bar Examiners that the following named applicants, who have fulfilled the requirements for admission to practice law in the State of California, be admitted to the practice of law in this state is hereby granted, with permission to the applicants to take the oath before a competent officer at another time and place:  
(LIST OF NAMES ATTACHED TO  
ORIGINAL ORDER)